

OFFICE OF ADMINISTRATIVE HEARINGS
SPECIAL EDUCATION ADVISORY COMMITTEE
OCTOBER 15, 2021 MEETING SUMMARY

The meeting was opened by Special Education Division Chief Presiding Administrative Law Judge Marian Tully. Information regarding how public comments could be submitted was provided.

AGENDA ITEMS 1 – 11:

Chief Judge Tully welcomed the Advisory Committee members and reviewed the composition of the committee and its mission. Office of Administrative Hearing staff in attendance were introduced: Director and Chief Administrative Law Judge Zackery Morazzini, Deputy Director Bob Varma, Presiding Judge Joy Redmon, Presiding Judge Peter Paul Castillo, Judge Claire Yazigi, Staff Counsel Nicole Srinivasan, Staff Services Manager Jennifer Saffold, staff members Trinity Dorantes and Anna Brown. Later in the meeting Ms. Saffold informed the Committee that since the last meeting OAH had hired the following new case managers: Tammy Cookerly, Cheryl Yasui and Rehevolew Shiao.

The following Committee members were in attendance: Rochelle Hooks, Ramaah Sadasivam, Elizabeth Swartz and Paula Senigar for Northern California; Aileen Herlinda Sandoval, Eric Menyuk, Lindsey Steinholt, Marian Grosner and Victor Duran for Southern California.

Member Hooks agreed to be the chair for Northern California and Member Grosner agreed to be the chair for Southern California. They agreed to collect agenda items for the June 2022 meeting.

Chief Judge Tully reviewed the application process for new members; expectations for members to attend meetings; the format of the meeting; how recommendations would be made how discussions on agenda items would be had; public comment received; and votes taken on recommendations. Members and the public were informed that there would be a video feed delay to the community due to the Microsoft Teams virtual meeting format being used. Chief Judge Tully noted that the meeting would pause periodically in order for the video feed to catch up to the live meeting. Members and the public were informed that meeting was being recorded.

Member Grosner asked if Assembly Bill 361 regarding conducting public meetings virtually applied to the Bagley Keene Open Meeting Act and to the Advisory Committee meeting. Chief Judge Tully stated that she was not sure if AB 361 applied.

Two public comments were received:

1. How and when is Zoom being piloted?
2. Can public comments be submitted by phone or Teams?

Chief Judge Tully responded that Zoom was being piloted within OAH and there was no set date for when it would be implemented in proceedings. OAH was hopeful that it would be utilized by the next Advisory Committee meeting. The chat feature in Teams does not work well for Advisory Committee meeting.

AGENDA ITEM 12:

Chief Judge Tully reviewed OAH's responses to Committee recommendations from Agenda Items 15 through 18 and 20B through 21 from the June 18, 2021 meeting:

COMMITTEE RECOMMENDATION ITEM 15: That OAH post advisory meeting transcripts on its website within 30 days of the meeting.

OAH RESPONSE:

OAH did not accept this recommendation. OAH cannot commit to this timeline because OAH uses an outside vendor to provide the written transcripts of Advisory Committee meetings. OAH will commit to timely sending the request for transcription to the vendor and to timely post the transcript once received.

COMMITTEE RECOMMENDATION ITEM 16: That OAH provide members of the public an opportunity to make verbal comment at the end of each advisory committee meeting, not to exceed three minutes per person.

OAH RESPONSE:

This recommendation is accepted as to the opportunity for the public to make verbal comments at the end of an Advisory Committee meeting, although full implementation will be delayed. Implementation must be delayed because the current videoconference platform, Microsoft Teams, will not allow verbal comment from members of the public. Advisory Committee meetings have historically invited verbal public comment for items not on the agenda at the end of the Advisory Committee meetings. Because of the Covid pandemic, the meetings were moved to a videoconference platform to ensure public comment continues to be a part of the

Advisory Committee meeting. OAH currently takes public comment for items not on the agenda in writing and the comments are read by OAH personnel. OAH is currently working to ensure that verbal public comment will again be part of Advisory Committee meetings and hopes to have the technology to allow this soon.

This recommendation is declined as to the allowance of three minutes per speaker. OAH is pleased that public attendance via videoconference has substantially increased the number of participants that are able to attend Advisory Committee meetings. However, to provide the opportunity for verbal public comment to a greater number of participants and complete the meeting within the reasonable amount of time scheduled, OAH will need to adjust the amount of time allocated for each speaker depending upon the number of speakers at that the Advisory Committee meeting.

COMMITTEE RECOMMENDATION ITEM 17: That OAH wait three business days before issuing an order on a non-urgent motion in accordance with its policy posted online unless the responding party has filed a response earlier than the expiration of the three business days.

OAH RESPONSE:

OAH does not accept the recommendation. While OAH will generally allow three business days for the other party to respond to a motion before issuing an order, there are some situations where an order may need be issued earlier. Examples of this are orders where no response is required and orders that are time sensitive.

COMMITTEE RECOMMENDATION ITEM 18: That OAH make half-day mediations available in all cases if requested by all parties.

OAH RESPONSE:

OAH accepts this recommendation. Beginning January 1, 2022, parties will have the option to request a full day mediation (9:00 am until 4:30 pm), a morning mediation (9:00 am until 12:30 pm), or an afternoon mediation (1:30 pm until 5:00 pm). As with all mediation requests, OAH may deny a requested date and time if no mediator is available. The optional OAH forms for mediation requests, website information and scheduling orders will be updated to reflect this change. This applies to requests for mediations filed on and after January 1, 2022. This does not apply to requests filed before January 1, 2022, even if the date requested for mediation is after January 1, 2022.

COMMITTEE RECOMMENDATION ITEM 20A: That OAH establish a procedure to bifurcate jurisdictional issues from substantive issues two to three weeks before the due process hearing on substantive issues did not pass.

COMMITTEE RECOMMENDATION ITEM 20B: That OAH collect the following data, separated by type of jurisdictional issue (statute of limitations, residency requirement, etc.)

1. The number of times parties have filed a motion to bifurcate a due process hearing.
 - a. Of this number, the number of times OAH has granted the motion to bifurcate. OAH shall specify:
 - i. The number of times the motion was granted as a law and motion ruling on a filed motion
 - ii. The number of times the motion was granted at hearing.
 - b. The number of times OAH has denied the motion to bifurcate.

2. For motions to bifurcate based on a challenge to the statute of limitations, the number of times the moving party successfully challenged the statute of limitations, and the number of times the moving party was unsuccessful in challenging the statute of limitations.

OAH RESPONSE:

OAH declines to accept these recommendations. OAH is required by statute, regulation, and inter-agency agreement with the California Department of Education, to keep specific data and provide that data quarterly. These reports are made available on OAH's website for the public. The requested information on bifurcated cases is not a part of the data OAH is mandated to collect. OAH's current case management system does not have the ability to track this additional information, and OAH does not have the staffing capability for manual tracking.

COMMITTEE RECOMMENDATION ITEM 21: That OAH sponsor or support legislation giving OAH authority to request verification from districts that they have authority to file a due process case.

OAH RESPONSE:

OAH declines to accept this recommendation. As an independent quasi-judicial agency, OAH does not support or sponsor any legislation.

Prior to moving to the next agenda item, Chief Judge Tully stated that by regulation, OAH consults with the Committee in areas such as revisions to the OAH website, forms, documents, scheduling procedures, staff training, and outreach for families and students. Some of the agenda items appear to go beyond these areas and the Committee will try to discuss them consistent with the Committee's purview.

AGENDA ITEM 13:

Chief Judge Tully provided the Committee an update on virtual and in-person hearings and mediations during the pandemic period by providing the following statistics:

Data from March 2020 - September 2021

Mediation Only Cases Opened	208
Due Process Hearing Cases Opened	5962
Video Mediations Held, started 3/23	2644
Telephonic/Video PHCs Held, Started 4/13	838
Video Hearings Held per case, Started 4/20	133
Video Hearings held total Days, Started 4/20	619
CaseLines Opened, Started 5/25	765

Chief Judge Tully informed the Committee that at this time OAH would continue to hold proceedings virtually and there was no set date to return to in-person hearings. Parties could make a motion to hold a proceeding in person and OAH would consider all the circumstances and rule on the motion. Chief Judge Tully also informed the Committee that once Zoom becomes an option, OAH would send all parties instructions on how to use Zoom and post those on OAH's website.

No Committee member commented on this item and no public comments were received. Public comments regarding Agenda Item 12 were received and were tabled to the end of the meeting.

AGENDA ITEM 14:

PDF file name in OAH's Circulated Decisions sent via list serve.

This item was submitted by Member Sadasivam who addressed the Committee. She stated that in doing research she would make edits to OAH decisions in their pdf format but was unable to change the file name and save it for future research.

Member Sadasivam made the following recommendation: That OAH provide the Advisory Committee with information on how OAH saves decision file names and whether an option exists to provide recipients with files that have names that may be edited. The recommendation was seconded by Member Menyuk.

Member Menyuk asked questions to try to understand the issue that Member Sadasivam was having. Member Sadasivam responded that she was unable to alter pdf decisions and save them as new pdf files for her research. Member Grosner commented that she was able to rename files from OAH. No public comment was received. The vote on the recommendation was taken with the following results:

All attending members voted "Yes." The recommendation passed.

AGENDA ITEM 15:

Status of contract with a vendor to provide administrative records.

This item was submitted by Member Sadasivam and she addressed the Committee. She asked for an update. Chief Judge Tully stated that OAH had a current contract and was working towards filling administrative record requests. No comment was by a Committee member or the public.

AGENDA ITEM 16:

Direct access to specific orders and criteria for determining which orders are on the website.

This item was submitted by Member Sadasivam and she addressed the Committee. She stated that while she was thankful for the orders OAH has posted on its website, these were only a sampling of orders. Member Sadasivam wanted to know how to get copies of specific orders, for example an order cited by an opposing party in a motion. Chief Judge Tully stated that OAH is posting sample orders as required, but it does not have the resources to post all orders and some may not be helpful to the community. Member Menyuk commented that current orders from OAH are accessibility compliant and OAH should post all current orders. Member Schwartz asked how OAH determines an order is "of sufficient importance" to be posted and that OAH provide this criteria to the Committee. She requested that all orders be posted, especially when an order changes a prior order in a particular case. A public comment was received asking OAH to post all orders.

Member Menyuk made the following recommendation: OAH hereafter post all orders on its website. The recommendation was seconded by Member Grosner. A vote was taken with the following outcome:

All attending Members voted "Yes." The recommendation passed.

AGENDA ITEM 17:

OAH DECISION SEARCH IN BOX.

This item was submitted by Member Sadasivam and she addressed the Committee. She stated that she was having difficulties in signing up for and using Box.com and wanted an update on OAH upgrading its search capabilities. Chief Judge Tully agreed with Member Sadasivam that Box did not work well for searches and offered to provide more information on WestKM at the next meeting. Member Sadasivam asked what WestKM was. Presiding Judge Castillo stated that WestKM was an internal platform for use by OAH only and was not publicly available.

Member Sadasivam made the following recommendation: That OAH provide the Advisory Committee with an update regarding any new decision search capabilities other than Box.com. Member Schwartz seconded the recommendation.

Member Senigar commented that this was a recurring issue and the solution would be for OAH to bring a person with technical background to the next meeting. No public comments were received. A vote on the recommendation was taken with the following result:

All attending members voted "Yes." The recommendation passed.

AGENDA ITEM 18:

OAH ADVISORY COMMITTEE WEBSITE

This item was submitted by Member Sadasivam and she addressed the Committee. She commented that there was a need for the public to be able to access

materials from prior Committee meetings and OAH should leave materials from prior meetings on the website instead of replacing them with materials from the most recent meeting. No other Committee member commented.

A PUBLIC COMMENT ON AGENDA ITEM 17 WAS RECEIVED: the member of the public asked if the public could have access to WestKM for search purposes.

Member Sadasivam made a recommendation on Agenda Item 18: That OAH maintain, on the Advisory Committee website, the agendas, meeting summaries, meeting transcripts, and responses to recommendations from Advisory Committee meetings for the past two years. Member Grosner seconded.

Member Grosner commented that she was receiving reports that public comments were not being read. Ms. Saffold stated that public comments were being received, however late comments were being held as the Committee had moved on to other agenda items.

A vote on Member Sadasivam's recommendation was taken with the following results:

All attending members voted "Yes." The recommendation passed.

AGENDA ITEM 19:

REQUEST FOR NAMES OF OAH EMPLOYEES THAT ACCEPTED, REJECTED, AND RESPONDED TO OAH RESPONSES TO ADVISORY COMMITTEE RECOMMENDATIONS.

This item was submitted by Member Senigar. Chief Judge Tully reiterated what were appropriate topics for the Committee to consider and that internal deliberations of OAH was not an appropriate subject matter for the Committee. Member Senigar stated that the item was about transparency and wanted to know how OAH determined the panel that responds to the Committee's recommendations, and does OAH post these names. Chief Judge Tully commented that names of OAH employees were not in the purview of the Committee. Member Senigar commented that the names of the members were public and on the website and she did not agree that OAH employee's names were not public.

Member Senigar made the following recommendation: That the names and titles of each public employee who serves on the OAH panel who responds to the Advisory Committee's recommendations be posted on the OAH website for the public to access. Member Grosner seconded the recommendation.

No Committee member made further comments. Two public comments were received: both comments were in support of the recommendation and Member Senigar's comments. A vote was taken with the following results:

All attending members voted "Yes." The recommendation was passed.

The Committee took a break.

AGENDA ITEM 20:

TIMELINE FOR OAH RESPONSES TO ADVISORY COMMITTEE.

This item was submitted by Member Schwartz and she addressed the Committee. She stated that it was difficult for Committee members to submit agenda items for upcoming meetings when OAH had not yet issued its responses to the Committee's recommendations from the prior meeting. No comments were made by other Committee members and no public comments were received.

Member Schwartz made the following recommendation: That OAH issue responses to Committee recommendations at least five business days before agenda items are due for the next Advisory Committee meeting. Member Hooks seconded the recommendation.

A vote on the recommendation was taken with the following results:

All attending members voted "Yes." The recommendation was passed.

AGENDA ITEM 21:

PROPOSE ALTERNATIVES TO PREVENT LAW FIRMS FROM MISREPRESENTING TO OAH THAT THEY HAVE BEEN PROPERLY AUTHORIZED TO FILE FOR DUE PROCESS ON BEHALF OF DISTRICT.

This item was submitted by Member Grosner and she addressed the Committee. Member Grosner noted that if OAH does not take a role in proposing legislation, perhaps the Department of General Services could propose legislation on this topic, or the interagency agreement with the Department of Education could be modified.

Member Sadasivam asked for more details on Member Grosner's proposal for modification to the interagency agreement. Member Grosner stated she wanted something in the interagency agreement that would require verification from parents and school districts that they had authorized the due process request.

Member Menyuk asked what "issue" was this proposal trying to resolve. Member Grosner stated that some attorneys filing due process requests for school districts without the district's board knowing about the filing. Member Schwartz questioned Member Grosner whether there were legal requirements that a school district go through its board prior to filing for due process. Member Grosner stated that OAH required parents to verify that they had authority to file the due process request but it did not require the same verification from school districts and this, to her, seemed to be an imbalance.

A public comment was received: Agree with the item and request that OAH request proof from attorney that school district has approved the case before OAH. If OAH doesn't have jurisdiction it should seek it through the legislative process.

A public comment was received: The problem is that school districts are filing due process requests without school board approval, it happened to me.

Member Menyuk questioned whether OAH had such jurisdiction and whether a person who believes the attorney lacks authority to bring the case should go and talk to the school board instead.

Member Grosner made the following recommendation: That OAH consider a modification to its interagency agreement with CDE to ensure verification of authority to file for due process is required of both parties. Member Senigar seconded the recommendation.

Member Menyuk asked for clarification of what "verification" meant; does it mean showing a retainer agreement or some sort of signature? Member Grosner was not sure what sort of verification should occur, could be a "simple yes or no." Member Hooks asked if this agenda item had been discussed at prior meetings. Member Grosner noted that the item had been raised by her in prior meetings. Member Schwartz also noted that the item had been raised before and she did not behind it or what the recommendation was asking of OAH.

A public comment was received: This seems like a local policy decision, school board policy.

A public comment was received: IDEA is clear about when a district must file on a parent.

A public comment was received: District attorneys are bound by same ethical requirements to receive approval from district client as are parents' attorneys.

A public comment was received: Yes, parents are going to ask to be informed that PRA are informing parent that decisions are being made without board approval.

A public comment was received: This is a concern, please approve this and help our SPED community.

A public comment was received: We seek transparency that district board members are aware of all litigation.

A public comment was received: Please verify that board approved of all litigation.

A public comment was received: School districts are filing due process without board being informed.

A vote was taken with the following results:

Members Sadasivam, Senigar, Duran, Grosner, Menyuk and Sandoval voted "Yes." Members Hooks, Schwartz and Steinholt voted "No." The recommendation passed.

AGENDA ITEM 22:

TRAINING FOR CASE MANAGERS.

This item was submitted by Member Grosner and she addressed the Committee. She requested that OAH provide more training to its case managers in assisting parents without attorneys on how to submit evidence, question witnesses and lay foundation during a hearing. She stated that this would save OAH money because parents would not have to learn the process during the hearing; she recounted a parent telling her how their case was extended because it took a long time for the parent to learn how to conduct a hearing. Member Hooks inquired as to how OAH case managers were currently assisting parents. Chief Judge Tully stated that case managers can clarify a process in filing but having them assist parents in things like laying foundation on evidence would be too close to giving legal advice. Case managers work with parents on OAH procedures, but are not lawyers and cannot give advice on hearing strategies. Member Hooks asked Member Grosner whether the help she was asking for was technical help or closer to what Chief Judge Tully described. Member Grosner said she wanted case managers to give advice on the entire process without giving legal advice.

Member Senigar asked how many case managers OAH currently had. Chief Judge Tully stated the approximate case load each case manager and reiterated that they do

not have the authority to give advice on how to conduct a hearing. She noted that OAH provides information, resources and frequently asked questions on its website to assist the public. Member Senigar asked how many case managers are bilingual. Chief Judge Tully stated that OAH has a process to use interpreters when needed to ensure that case managers and parents can communicate in languages other than English.

A public comment was received: Many parents cannot afford an attorney. The training can even occur at CAC meetings to the public.

A public comment was received: It is inappropriate for OAH to teach a parent how to lay a foundation or question a witness.

A public comment was received: I believe this training is needed. General training would help parents make decisions without legal representation.

Member Grosner made the following recommendation: That OAH provide more training for case managers in the guidance of filing due process for self-represented parties. Member Senigar seconded the recommendation.

A vote on the recommendation was taken with the following results:

Members Hooks, Sadasivam, Schwartz, Senigar, Duran, Grosner and Sandoval voted "Yes." Members Menyuk and Steinholt voted "No." The recommendation passed.

AGENDA ITEM 23:

COST OF FILING FOR LOW-INCOME FAMILIES AND THOSE UNABLE TO RETAIN A LOW OR NO-COST ATTORNEY, AND IMPROVEMENTS TO SELF-HELP SECTION OF WEBSITE.

This item was submitted by Member Grosner and she addressed the Committee. She stated that parents were having difficulty in finding low-income or pro bono representation or when they find one the person is unavailable. Member Grosner wanted to know how the OAH website's self-help section could be made more user friendly and provide more examples. Member Menyuk commented that OAH provides a list of low-fee, no-fee attorneys and his firm takes such cases as do others in the parent bar. His concern was that relying on semi-help through the website could result in parents who are not well prepared presenting a case, doing it poorly and losing due to their lack of training and not because they did not have a good case. He also stated that there were non-profit agencies such as Disability Rights.

Member Senigar asked when was the last update to the website conducted. Chief Judge Tully stated that the website is constantly updated, including as things change or fluctuate. For example it was updated for accessibility and for procedures that have changed due to videoconference proceedings. Member Schwartz asked for clarification between the prior agenda item and this item. Member Grosner stated that this item was more about the website and the self-help section.

Member Grosner made the following recommendation: That OAH look into implementing the self-help section of the OAH website to make it more user-friendly and provide more examples to self-represented parents.

Member Senigar asked for clarification on what “improvement” of the website would mean and stated she wanted something measurable. Member Grosner stated she had heard the website was difficult to navigate. Member Senigar agreed and that she had heard similar comments from parents. Member Senigar seconded the recommendation.

Member Menyuk stated that while he is “not in love” with the website, he is able to use it. He did not understand what other members meant by it being inaccessible or not robust enough. Member Senigar stated she meant navigating the website. Member Sadasivam asked if the recommendation was addressing the entire OAH website or only the self-help section. Member Grosner moved to amend her recommendation to cover OAH’s entire website. Chief Judge Tully pointed out that this recommendation went beyond the noticed agenda item and notice on such a broad item had not been provided. Therefore, the original recommendation, seconded by Member Senigar, remained.

A public comment was received: Yes, a better guide will help the parents who choose to file themselves.

A public comment from Miho was received: Miho stated that when she was on the Committee she had suggested OAH create webinars to help unrepresented parents in multiple languages with closed captioning.

A public comment was received: Please start with improvement to OAH self-help section, please.

A vote on the recommendation was taken with the following results:

Members Hooks, Sadasivam, Senigar, Duran, Grosner, Sandoval and Steinholt voted "Yes." Members Schwartz and Menyuk voted "No." The recommendation passed.

AGENDA ITEM 24:

Public Comments.

The following public comments were read out:

Comment on Agenda Item 12:

Dear Presiding Judge and OAH Advisory committee,

We thank the OAH advisory committee for recommending that OAH enact policies to verify that district representatives who are either filing or defending a Due Process case are indeed authorized by the school district to litigate the matter. In the past, OAH has rejected the committee's recommendation citing lack of jurisdiction. I would ask OAH to re-consider this position.

OAH should verify that school districts have properly authorized the attorneys who are appearing before OAH, to file for Due Process on behalf of the district. The Special Education Local Plan Area (SELPA) system in California has set up a non-transparent underground system of litigation which marginalizes the elected officials that are supposed to be protecting our children's best interests. In most cases, school boards are not even aware that children in their district are being litigated against. OAH seems to be turning a blind eye to the issue thereby becoming complicit by passivity. The reason OAH cases are increasing is because for profit litigation companies representing districts have free reign with no oversight, to file or defend against Due Process cases. It is in OAH's best interest to ensure that the cases it accepts are indeed

legitimate. It is not appropriate for OAH to simply say it will operate in a silo and ignore violations of the law, thereby enabling injustices perpetrated against children with disabilities.

Please request that district attorneys offer proof to OAH that the school districts they are representing have indeed approved the Due Process case before you. If OAH does not believe it has jurisdiction, it should seek legislation that would allow OAH to ensure a legitimate process.

Regards, Adriana De Los Santos, Monterey County

COMMENT ON AGENDA ITEM 12:

Dear Presiding Judge and Office of Administrative Hearings (OAH) Advisory Committee,

Thank you for recommending that OAH enact policies to verify that district representatives who are either filing or defending a due process case are authorized by the school district to litigate the matter. Instead of rejecting the OAH advisory committee's recommendation citing lack of jurisdiction, I hope that OAH will re-consider its position on this.

It makes fiduciary and financial sense for OAH to verify that school districts have properly authorized the attorneys who are appearing before OAH, to file for Due Process on behalf of the districts for the following reasons that you likely know well:

1. The Special Education Local Plan Area (SELPA) system in California has set up a non-transparent underground system of litigation which marginalizes the elected officials that are supposed to be protecting our children's best interests.

2. School boards are often not aware that children in their district are being litigated against.

If OAH ignores this issue, its tacit consent and inaction would be alarming. Given that OAH cases continue to rise due to for-profit litigation companies representing districts with free reign to file or defend against due process cases, it is in OAH's and our taxpayers' best interest to ensure that the cases it accepts are legitimate. Is OAH acting in the spirit of the laws and in compliance with its mandates or enabling bad actors and treasured institutions to perpetrate abuse and injustice against children with disabilities?

Please request that districts' attorneys offer proof to OAH that the school districts they are representing have approved the due process cases before you. If OAH does not believe it has jurisdiction, I strongly encourage it to seek legislation that would allow OAH to ensure a legitimate process and help ensure that all of our students have safe access to education.

Respectfully,

Jung Hwa Kim, AMFT, Monterey County Parent of Autistic Student

ANONYMOUS PUBLIC COMMENT: Public comment to be read out loud.
Members of the public would like to provide verbal public comment at the beginning of the meeting please.

Anonymous public comment: Public comment on Item #12-- Good morning committee members and members of the public, I am a parent of students with disabilities who has been dealing with the special education system for about 20 years. I have witnessed how the special education system has been hijacked by for profit law firms representing school districts who are acting as a barrier for our children to get an

appropriate education. I want to share my experience with the law firm of Fagen, Friedman and Fulfrost. One of their attorneys, Shiva Stein engages in hardball tactics against families of children with disabilities. The following is a summary of some of the legal actions Ms. Stein has filed against our family: --Filed legal action seeking over \$10,000 from our family. --Prematurely filed a "Writ of Execution" which is a proceeding used by the Internal Revenue Service to garnish wages and seize property of people who are delinquent in payment. Our attorney tried to reason with Ms. Stein to withdraw her filings in order to avoid additional proceedings in court, and expressed his intent to oppose the actions filed by Ms. Stein. Please keep in mind, it was Ms. Stein who filed the initial actions. Ms. Stein's response was to threaten our attorney with filing for additional sanctions just because he was doing his job to defend our family by filing an Opposition to her Motion. So, in her opinion, she can file all the motions she wants but if a parent [At this point Chief Judge Tully stopped the reading of this comment as it pertained to a particular case. After further review of the comment to determine where it stopped discussing a particular case, Ms. Saffold read the remainder of the comment.] These injustices are happening because our children have no voice and state agencies such as the Office of Administrative Hearings are quick to turn a blind eye. Decisions to litigate against non-disabled or employees have to be approved by school boards but students with disabilities are treated like second class citizens and they are sued without any board approval. OAH scrutinizes parents and seeks verification from parents to confirm they have authority to represent their own children but when it comes to verifying whether or not attorneys for districts have been authorized to file for due process, OAH claims it has no jurisdiction. OAH is being complicit with districts who are not violating the Brown Act by not approving litigation related to special education. The agency's apathy and double standard has become very obvious to parents and this needs to change. OAH needs to take an active role. I am sure if districts were asking OAH to

correct violations of state law, OAH would have a very different response. Please ensure that district lawyers who are coming before OAH in hearings have approval from their boards to do so, otherwise they have no standing to appear before OAH. If OAH does nothing, it will have unclean hands. #Moreteacherslesslawyers

Public comment on Agenda Item 15 by Maureen Graves: These delays are causing significant problems for families wishing to appeal, or decide whether to appeal, decisions. What is the holdup?

Anonymous public comment on Agenda Item 15: Please ensure items are transcribed within 30 days.

Public comment on Agenda Item 17 by Maureen Graves: Is there a reason that the internal system cannot be opened on a limited search/only basis for parties and representatives? It is critical for parties considering litigation to be able to find information about lawyers, ALJs and experts, as well as how similar cases have turned out.

Public comment on Agenda Item 18 by Maureen Graves: I do not see why meeting summaries, recommendations, etc. should ever be removed. Sometimes ideas seem good, but have been tried and did not work.

Anonymous public comment on Agenda Item 22: Training will never take the place of good legal representation; but I conquer with member Grosner. Training is always needed.

Anonymous public comment on Agenda Item 22: Training is always good and needed.

Anonymous public comment on Agenda Item 22: Case manager training is important and would for the benefit of our SPED students. Please approve. From a mother of a Fragile X syndrome student.

Public comment from Jeffrey J. Chesrown: I am on this meeting to ask how I would get a fair hearing from OAH that it seems that your ALJ on my case believe that this is there hearing to tack advantage of me and have the hearing on there agenda [The remainder of this comment was not read as it pertained to the General Jurisdiction Division of OAH.]

Anonymous public comment: Is OAH implementing AB 361 which requires that the public be allowed to comment live. I have submitted comments via email to be read into the record. Is there no option for the public to be able to comment live?

Anonymous public comment: Would you please repeat what is not appropriate for the Committee or not part of their role.

Anonymous public comment: Dear Judge, you are supposed to give the public an opportunity to comment on each item according to state policy; it is irrelevant whether they are action items or not.

Anonymous public comment: Please continue with virtual hearings.

Anonymous public comment: What will OAH see as good cause to go in person if such a motion is made for mediation or due process? OAH has denied all such motions to date.

Anonymous public comment: Your public comment chat box is not working. I keep adding comments that are overlooked by your office. They are not read on time.

Anonymous public comment: Please open the question box to all members of the Committee.

Anonymous public comment: I notice the meeting is being recorded, will OAH post it to the website and so when will that happen. Thank you.

Anonymous public comment: Will OAH resume sending out post-mediation questionnaires? Since OAH stopped doing that, many families have reported concerns/issues with mediators who were either not helpful or even rude to the parties. Parents wish to send feedback to OAH, but do not know how to provide this feedback.

AGENDA ITEM 25:

Adjournment.

Chief Judge Tully noted that the next Committee meeting was set for June 17, 2022. The meeting was adjourned.